

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
W. A. DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE OF )  
OKLAHOMA and OKLAHOMA SECRETARY )  
OF THE ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the TRUSTEE FOR NATURAL )  
RESOURCES FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

05-CV-0329 TCK-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC., )  
TYSON CHICKEN, INC., COBB-VANTRESS, INC., )  
AVIAGEN, INC., CAL-MAINE FOODS, INC., )  
CAL-MAINE FARMS, INC., CARGILL, INC., )  
CARGILL TURKEY PRODUCTION, LLC, )  
GEORGE'S, INC., GEORGE'S FARMS, INC., )  
PETERSON FARMS, INC., SIMMONS FOODS, INC., )  
and WILLOW BROOK FOODS, INC., )

Defendants. )

TYSON FOODS, INC., TYSON POULTRY, INC., )  
TYSON CHICKEN, INC., COBB-VANTRESS, INC., )  
GEORGE'S, INC., GEORGE'S FARMS, INC., )  
PETERSON FARMS, INC., SIMMONS FOODS, INC., )  
and WILLOW BROOK FOODS, INC., )

Third Party Plaintiffs, )

vs. )

City of Tahlequah, *et al.*, )

Third Party Defendants. )

RESPONSES OF DEFENDANT, PETERSON FARMS, INC.  
TO STATE OF OKLAHOMA'S JULY 10, 2006  
SET OF REQUESTS FOR PRODUCTION



Defendant, Peterson Farms, Inc. ("Peterson Farms"), submits the following Responses to State of Oklahoma's July 10, 2006 Set of Requests for Production to Peterson Farms, Inc., pursuant to Federal Rules of Civil Procedure 26 and 34.

**GENERAL OBJECTIONS:**

1. Peterson Farms objects to, and does not agree to subject itself to, the arbitrary and extraordinary "definitions" described by the Plaintiffs to certain terms as set forth in their July 10, 2006 Set of Request for Production propounded to Peterson Farms. To the extent that such terms appear in the Request for Production of Documents and are in excess of the requirements of the Federal Rules of Civil Procedure, Peterson Farms instead ascribes the ordinary, every day and reasonably, commonly understood meanings which apply to such terms, and also which comply with the Federal Rules of Civil Procedure. Peterson Farms objects to the definitions to the extent they assume facts not in evidence or related to facts or contentions in dispute in the action. Peterson Farms also specifically objects to the following definitions:

- a. The definition of "You" is overly broad and includes within its scope persons and/or entities distinct from Peterson Farms, and it includes within its scope person who are protected from disclosure. Accordingly, Peterson Farms submits these responses on behalf of itself and not for any other person or entity, including any person or entity that raises poultry under contract with Peterson Farms.
- b. The definition of "documents and materials" is overly broad. Peterson Farms submits these responses consistent with the definition of "documents" set forth in Fed. R. Civ. P. 34(a).

c. The definition of the term “run-off/discharge/release” is overly broad, vague and misleading, and includes within its scope both the acts of nature and volitional or negligent acts of persons, which cannot be characterized by a single term.

2. Each of the following responses is made subject to and without waiving any objections Peterson Farms may have with respect to the subsequent use of these responses or the documents identified pursuant thereto, and Peterson Farms specifically reserves: (a) all questions as to the privilege, relevancy, materiality, and admissibility of said responses or documents; (b) the right to object to the uses of said responses or the documents identified pursuant thereto in any lawsuit or proceeding on any or all of the foregoing grounds or on any other proper ground; (c) the right to object on any and all proper grounds, at any time, to other discovery procedures involving or related to said responses or documents; and (d) the right, at any time, upon proper showing, to revise, correct or clarify any of the following responses.

3. Peterson Farms objects to each and every request to the extent it seeks or calls for information or the identification of documents which are protected from discovery and privileged by reason of: (a) the attorney-client communication privilege; (b) the “work product” doctrine; (c) the “trial preparation” doctrine; (d) the joint defense or “co-party” privilege; or (e) any other applicable discovery rule or privilege.

4. Peterson Farms objects to each and every request to the extent it seeks information or the identification of documents concerning any claims or occurrences other than the claims and occurrences set forth in Plaintiffs’ First Amended Complaint for which Plaintiffs request relief.

5. Peterson Farms objects to each request to the extent it seeks or relates to information or the identification of documents which are available to the public, and thus, equally available to Plaintiffs.

6. Peterson Farms objects to each request to the extent it seeks or relates to information or the identification of documents which are protected as confidential business information, and proprietary and confidential trade secrets.

7. Peterson also incorporates as though fully restated herein all objections and limitations to responses made by every other Defendant to the corresponding requests for production.

8. The foregoing objections apply to each and every response herein. By specifically incorporating individual General Objections in any response, Peterson Farms expressly does not waive the application of the remainder of the General Objections to such response.

9. When the following responses state that Peterson Farms will produce certain documents, or that responsive documents will be produced for a certain time period, Peterson Farms is not assuring that in fact such documents for the entire time period have been located or identified for production.

Subject to these objections and subject to any additional objections set forth hereinafter, Peterson Farms responds to Plaintiffs' July 10, 2006 Set of Request for Production to Peterson Farms, Inc., as follows:

**Request for Production No. 1:** Please produce all documents and materials reflecting, referring to or relating to any contracts between you and poultry growers located in the Illinois River Watershed ("IRW") since 1970, including the contracts themselves, any

**Request for Production No. 120:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on soils or lands located within the IRW.

**Response:** Pursuant to Plaintiffs' refusal to produce documents in response to similar requests propounded by Defendant, Cobb-Vantress, Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms will supplement this response upon the final disposition of Cobb-Vantress' Motion to Compel.

**Request for Production No. 121:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on surface waters located within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 120.

**Request for Production No. 122:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on ground waters located within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 120.

**Request for Production No. 123:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on edge-of-field run-off from lands located within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 120.

Respectfully submitted,

By /s/ Philip D. Hixon

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